

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff(s),

v.

CHEN CHIANG LIU,

Defendant(s).

Case No. 2:07-CR-170 JCM (LRL)

ORDER

Presently before the court is *pro se* petitioner Chen Chiang Liu's motion for modification of sentence pursuant to 18 U.S.C. § 3582. (ECF No. 218).

On March 5, 2009, the court sentenced petitioner to a term of 151 months, followed by three (3) years supervised release, for conspiracy and fraudulently passing and keeping counterfeit currency of the United States. (ECF No. 162). His projected release date is July 16, 2018. (ECF No. 218 at 6).

In the instant motion, petitioner requests that the court grant him twelve (12) months in a halfway house and six (6) months of home confinement, rendering his departure date from his current incarceration February 16, 2017. (ECF No. 218 at 1). According to the Bureau of Prison's progress report, dated July 13, 2016, attached to petitioner's motion, petitioner's halfway house date is July 16, 2017. (ECF No. 218 at 6).

While petitioner's motion is titled as being made pursuant to § 3582, the body of the motion seeks relief pursuant to § 3621. (*See* ECF No. 218 at 1 ("[Petitioner] files this his [*sic*] [m]otion respectfully requesting a modification of sentence pursuant to 18 U.S.C. § 3621.")). Thus, the court will construe his motion as requesting relief pursuant to § 3621.

1 Petitioner incorrectly asserts that § 3621 sets forth five conditions necessary to determine  
2 the amount of time that should be granted to an inmate for reintegration purposes. (ECF No. 218  
3 at 1). Section 3621 provides that the “Bureau of Prisons shall designate the place of the prisoner’s  
4 imprisonment” and authorizes the bureau, not the court, to determine an inmate’s place of  
5 imprisonment or transfer from one correctional or penal facility to another pursuant to those five  
6 conditions. *See* 18 U.S.C. § 3621(b). Subsection (b) of § 3621 further provides, in relevant part:


7 Any order, recommendation, or request by a sentencing court that a convicted  
8 person serve a term of imprisonment in a community corrections facility shall have  
9 no binding effect on the authority of the Bureau under this section to determine or  
change the place of imprisonment of that person.

10 *Id.* Thus, § 3621 does not provide a basis for petitioner’s sentence modification request.  
Accordingly, petitioner’s motion for modification of sentence will be denied.

11 Accordingly,

12 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that petitioner’s motion for  
13 modification of sentence pursuant to 18 U.S.C. § 3582 (ECF No. 218) be, and the same hereby is,  
14 DENIED.

15 DATED January 12, 2017.

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UNITED STATES DISTRICT JUDGE